S.B. CIVIL WRIT PETITION NO. 3571/2006.
(SMT. MEERA KHATRI VS. STATE & ORS.)

DATE OF ORDER : 10.11.2006.

HON'BLE MR. GOVIND MATHUR, J.

Mr. Sandeep Shah for the petitioner.
Mr. Shyam Ladrecha, AGA, for the respondents.

By the order dated 19.07.1972, appointment was given to the petitioner as a Primary School Teacher in Panchayat Samiti, Bali on temporary basis in the pay scale of Rs.110-230/-. A regular appointment was given to the petitioner subsequently under an order dated 11.05.73 on being selected by the Zila Panchayat Service Selection Commission, Jaipur in pursuant to an advertisement No.41. The services of the petitioner were subsequently taken away by the Education Department of the Government of Rajasthan. An adhoc promotion was given to the petitioner as a Teacher Grade II under an order dated 27.03.81 passed by the Dy. Director (Women), Department of Education, Jodhpur. A regular promotion as a Teacher Grade II was given to the petitioner in accordance with the Rajasthan Educational Subordinate Service Rules, 1971 by the order dated 20.07.93 against the vacancies of the year 1991-92.

By this petition for writ, the petitioner has claimed that she is entitled for two selection grades on completion of 18 and 27 years of service w.e.f. 30.07.90 and 30.07.99 respectively, but the same has erroneously denied to her by the order dated 08.06.2004 passed by the Dy. Director (Secondary), Department of Education, Jodhpur. By the order dated 08.06.2004, it is communicated that as the petitioner was promoted to the Pay Scale pertaining to the post Teacher Grade II from 04.04.81 and subsequently she was selected as such in the year 1991-92, therefore,second selection grade is required to be given to her after completing 18 years of service from 01.04.1991 meaning thereby the petitioner became eligible for getting second selection grade i.e. on completion of 18 years of service on 01.04.2009.

While giving challenge to the order aforesaid, it is contended by counsel for the petitioner that the petitioner was regularly selected as the Primary School Teacher under an order dated 11.05.73, therefore, the term of 9, 18 and 27 years is required to be computed from the date of her initial appointment. Merely on the count that a promotion was given to her as Teacher Grade II against the vacancies of the year 1991-92, she cannot be refused the grant of selection grade on completion of 18 years of service on 30.07.90.

Per contra, it is stated by the respondents that a regular promotion was accorded to the petitioner as Teacher Grade II against the vacancies of the year 1991-92, therefore, she is entitled for any selection grade on completion of 18 years of service i.e. on 01.04.2009 as that is required to be given in view of promotion.

Heard counsel for the parties.

It is the position admitted that the appointment to the petitioner as Teacher Grade III on regular basis was given under an order dated 11.05.73 (Annexure 2), therefore, the petitioner became entitled for getting first selection grade on completion of 9 years of service and for second Selection Grade on completion of 18 years of service. The petitioner completed 9 years of service on 10.05.82 till its no regular promotion was accorded to the petitioner. The regular promotion at the first instance given to the petitioner under an order dated 20.07.93 against the vacancies of the year 1991-92. Then giving the first promotion after a lapse of about 17 years from the date of initial appointment, the grant of first selection grade cannot be denied to the petitioner on that count. The petitioner, therefore, became entitled for first selection grade on 10.05.1982,

however, the same is required to be given from 25.01.92 as the right in this regard was created under the Notification dated August 7, 1998. The promotion was given to the petitioner under the order dated 20.07.93 being the first promotion does not make the petitioner dis-entitle for getting first selection grade on completion of 18 years of service i.e. w.e.f. 10.5.91.

In view of the factual position admitted, the petitioner became entitled for getting selection grades on completion of 9 and 18 years of service on 25.7.1991 and 25.7.2000, therefore, the third selection grade is required to be given to the petitioner on completion of 27 years of service from the date of her initial appointment i.e. 11.05.1973. While taking into consideration the date 11.05.1973 as the initial appointment of the petitioner, she has completed 27 years of service on 10.05.2000, as such she is also entitled for getting third selection grade from that date.

Accordingly, this petition for writ deserves acceptance, the same is allowed. The respondents are directed to allow first and second selection grades to the petitioner in accordance with the Notification dated 25.1.92. The third selection grade is ordered to be given to the petitioner on completion of 27 years of service w.e.f. 10.05.2000.

No order as to costs.

(GOVIND MATHUR)J.

Anil/